

(2) THE PURPOSE OF THE PROGRAM IS TO PROVIDE INTERIM OR EMERGENCY FINANCING FOR THE ACQUISITION OF AGRICULTURAL PRESERVATION EASEMENTS ON CRITICAL FARMS THAT WOULD OTHERWISE BE SOLD FOR NONAGRICULTURAL USES.

(B) (1) A COUNTY SHALL DETERMINE IF A PROPERTY QUALIFIES FOR THE CRITICAL FARMS PROGRAM IN ACCORDANCE WITH THE CRITERIA DEVELOPED UNDER PARAGRAPH (2) OF THIS SUBSECTION.

(2) (I) THE FOUNDATION AND THE DEPARTMENT SHALL DEVELOP CRITERIA FOR COUNTIES TO CONSIDER WHEN DETERMINING WHETHER A PROPERTY QUALIFIES FOR THE PROGRAM.

(II) THE CRITERIA SHALL INCLUDE:

1. THE QUALIFYING STRATEGIC CHARACTERISTICS OF THE PROPERTY, INCLUDING LOCATION AND PRODUCTIVITY;

2. THE CIRCUMSTANCES CREATING THE RISK OF THE PROPERTY BEING SOLD FOR NONAGRICULTURAL PURPOSES;

3. WHEN APPLICABLE, THE CHARACTERISTICS OF THE PURCHASER OF STRATEGIC FARMLAND SEEKING ASSISTANCE FROM THE PROGRAM;

4. THE CONSISTENCY OF THE PROPOSED ACQUISITION WITH COUNTY GOALS AND PRIORITIES AND THE COUNTY'S PRIORITY PRESERVATION AREA; AND

5. EVALUATION OF THE PROPERTY AS A PRIORITY EASEMENT ACQUISITION.

(C) THE MARYLAND AGRICULTURAL LAND PRESERVATION FOUNDATION AND THE DEPARTMENT OF PLANNING SHALL EXAMINE OPTIONS FOR EASEMENT ACQUISITION ON CRITICAL FARMS AND IDENTIFY THOSE THAT WILL ENABLE THE CRITICAL FARMS PROGRAM TO SUCCEED.

(D) THE MARYLAND AGRICULTURAL LAND PRESERVATION FOUNDATION AND THE DEPARTMENT OF PLANNING MAY JOINTLY ADOPT REGULATIONS TO IMPLEMENT THE PROVISIONS OF THIS SECTION.

SECTION 2. AND BE IT FURTHER ENACTED, That the Maryland Agricultural Land Preservation Foundation and the Department of Planning shall conduct a thorough study of the options available for funding the Critical Farms Program established in accordance with § 2-517 of the Agriculture Article, as enacted by Section 1 of this Act, and submit a report, including proposed legislation concerning the funding for the Critical Farms Program, to the Governor and General Assembly, in accordance with § 2-1246 of the State Government Article, on or before January 1, 2006.

SECTION 3. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall take effect October 1, 2006.